

Office Action Summary

Application No.
09/498,272

Applicant's
Vlasuk et al.

Examiner
Christian L. Fronda

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1652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-269 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-269 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|---|
| 15) Notice of References Cited (PTO 892) | 18) Interview Summary (PTO 413) Paper file |
| 16) Notice of Draftsperson's Patent Drawing Review (PTO 948) | 19) Notice of Informal Patent Application (PTO 152) |
| 17) Information Disclosure Statement(s) (PTO 1449) Paper file | 20) Other |

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-29, 61-63, 65-67, 69-72, 138, and 267, drawn to an isolated protein having anticoagulant activity.
 - II. Claims 30, 64, and 68, drawn to an isolated protein having Factor Xa inhibitory activity.
 - III. Claims 31-60, drawn to an isolated recombinant cDNA molecule encoding a protein having Factor Xa inhibitory activity.
 - IV. Claims 73-95, 121-123, 125-127, and 129-131, drawn to an isolated protein having anticoagulant activity.
 - V. Claim 96, drawn to an isolated protein having Factor VIIa/TF inhibitory activity.
 - VI. Claims 97-119, drawn to an isolated recombinant cDNA molecule encoding a protein having anticoagulant activity.
 - VII. Claims 120, 124, and 128, drawn to isolated cDNA molecule encoding a protein having Factor VIIa/TF inhibitory activity.
 - VIII. Claims 132 and 133, drawn to an isolated protein having anticoagulant activity.
 - IX. Claim 136, drawn to an isolated cDNA molecule.
 - X. Claims 134, 135, and 137, drawn to an isolated recombinant cDNA molecule encoding a protein having anticoagulant activity.
 - XI. Claims 139-156, 177-179, and 180-188, drawn to an isolated protein having serine protease inhibitory activity.
 - XII. Claims 157 and 180, drawn to an isolated protein having serine protease inhibitory activity.

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- XIII. Claims 168-175, drawn to an isolated cDNA molecule.
- XIV. Claim 176, drawn to an isolated cDNA molecule.
- XV. Claim 189-221, 255-257, 259-261, and 263-265, drawn to an isolated protein having anticoagulant activity.
- XVI. Claims 222-253, drawn to an isolated recombinant cDNA encoding a protein having anticoagulant activity.
- XVII. Claim 254, drawn to a cDNA molecule having anticoagulant activity.
- XVIII. Claim 258, drawn to a pharmaceutical composition comprising a protein having a NAP domain.
- XIX. Claim 261, drawn to a method of inhibiting blood coagulation comprising administering a protein.
- XX. Claim 266, drawn to a protein having two NAP domains.
- XXI. Claims 268 and 269, drawn to an oligonucleotide.

Groups I, II, IV, V, VIII, XI, XII, XV, XVIII, XIX, and XX, drawn to various proteins, pharmaceutical composition and methods of use thereof, are classified in class 530, subclass 305. ^{35c} *RB*

Groups III, VI, VII, IX, X, XIII, XIV, XVI, XVII, and XXI, drawn to various cDNAs are classified in class 536, subclass 23.1

2. The inventions are distinct, each from the other because of the following reasons:

Inventions of Groups I, II, IV, V, VIII, XI, XII, XV, XVIII, XIX, and XX are unrelated to the inventions of Groups III, VI, VII, IX, X, XIII, XIV, XVI, XVII, and XXI. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). The various proteins of Groups I, II, IV, V, VIII, XI, XII, XV, XVIII, XIX, and XX and the various cDNAs of Groups III, VI, VII, IX, X, XIII, XIV, XVI, XVII, and XXI are independent chemical entities and require different literature searches.

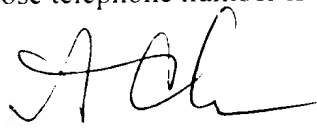
Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and classification.

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restriction for examination purposes as indicated is proper.

3. Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
4. If any one of the Groups is elected, Applicants are required to elect only one amino acid sequence or one nucleotide sequence for examination because each amino acid sequence or nucleotide sequence is a separate invention having a different structure and function.
5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian L. Fronda whose telephone number is (703)305-1252. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, can be reached at (703)308-3804. The fax phone number for this Group is (703)308-0294. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703)308-0196.

CLF


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1652